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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,556	06/22/2001	David William LaBrie	053028-0104	5873

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EXAMINER

LIM, KRISNA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/887,556

Applicant(s)

LABRIE ET AL

Examiner

Krisna Lim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Claims 1-41 are still pending for examination.
2. The title of the invention is neither descriptive nor precise. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. The title should reflect the gist of or the improvement of the present invention. Note: Once again, applicant is required to change the title.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
4. Claims 1, 12, 23 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Griffiths et al. [U.S. Patent No. 6,286,045].
5. Griffiths et al. anticipates (e.g., see Figs. 1-4) the invention substantially as claimed. Taking claims 1, 12 and 23 as exemplary claims, the reference discloses an information system providing information relating to a specified site (see the abstract), to users of the specified site, comprising:
  - a) a communication network (30 of Fig. 1) serving a service area within the site;

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b) a server (information server 54, 58, col. 1, line 65 ) to the communication network (30), the server including a database of information relating to specific locations within the site (e.g., see the first 5 lines of the abstract, col. 1, line 25, to col. 2, line );

c) a terminal device (32, 36, 38, 40, 42, 44) including a processor and display (not shown), the terminal device in communication with the communication network and configured to access information relating to the site from the server by a user (74 of Fig. 4) of the site;

d) a user interface (browsers, col. 1, lines 22-28) provided on the display of the terminal device, the user interface including user selectable options (68, 70 of Fig. 2, col. 6, lines 18-35, web page that contains links such as the hypertext links, banners of the web page, col. 1, line 40, to col. 2, line 37) and configured to selectively provide site user information to a site user, including access to the database of information on the server (e.g., see col. 1, line 40, to col. 2, line 38).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths et al. [U.S. Patent No. 6,286,045] in view of the Official Notice.

8. As to claims 1- 12, 23 and 28 see paragraph 5 for the rejection.

9. As to claims 2-8, 13-19 and 29-35, while Griffiths et al. disclose that each server has a unique URL address (web site) and this web site is U.S. Patent and

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Trademark Office and the web page that contains information about XYZ company (e.g., see col. 5, line 64, to col. 6, line 35), Griffiths et al. do not explicitly detail that such site is either a resort site, a ski resort site, an airport site, a convention center site, an amusement park site, a campus site or a cruise ship site. It would have been obvious to one of ordinary skill in the art to recognize that such specific site would have been a matter of intended use of the web site.

10. As to claims 9-11, 20-22 and 36-38, Griffiths et al. fail to teach a radio frequency transceiver and the IEEE 802.11. Official notice is taken that such use of a radio frequency transceiver for wirelessly transmitting and receiving data and the use of IEEE 802.11 for standard transmitting and receiving in the communication network are well known and expected in the art at the time the invention was made. It would have been obvious to use RF transceiver and IEEE 802.11 for wirelessly transmitting and receiving data in the communication network and thereby saving time and money for the new design by using the well-known and available devices.

11. As to claims 24-27, while Griffiths et al. disclose the information is downloaded from the web site to the user terminal, Griffith et al. does not explicitly mention or detail that the information is downloaded from the server to the handheld device using wireless communication link and GPS signal. Official notice is taken that such use of wireless communications link, the use of GPS signal and downloading information (e.g., col. 6, lines 4-5) to a handheld device are well known and expected in the art at the time the invention was made. It would have been obvious to have use wireless communication link and GPS signal in the data communication network and thereby saving time and money for the new design by using the well-known and available devices.

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12. As to claims 39-41, such use of a terminal device (36, 38, 40, 42 and 44) for purchasing goods via debiting user account would have been a matter of intent use of the device and doing business.

13. The rejections are respectfully maintained and repeated herewith as set forth in the last office action.

14. Applicant's arguments filed 05/23/05 have been fully considered but they are not deemed to be persuasive.

15. In the remarks, applicants argued in substance that:

a) The site referred to in the claims is a physical site or location having physical boundaries (e.g., a cruise ship, an amusement park, a ski resort, etc.) Accordingly, Griffiths et al. lacks the teaching of an information system servicing a physical site.

b) The Examiner has confused the web site of Griffiths et al. with the physical site.

16. As to paragraphs 15 a) and 15 b), it is noted that claims 1, 12, 23 and 28 are directed to the information having a communication network, a server, a terminal device, a user interface which are clearly anticipated by the Griffiths (see the above paragraph 5 above). **Such language of "the site is a physical site or location having physical boundaries (e.g., a cruise ship, an amusement park, a ski resort, etc.) is not recited in the independent claims 1, 12 and 23.** Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

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F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, to the extent of the independent claims 1, 12 and 23, Griffiths clearly anticipated the claimed language. Moreover, as mentioned above, this claimed invention is dealing with the information having a communication network, a server, a terminal device, a user interface. The recitation of a specific site would have been the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949.


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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

July 14, 2005



KRISNA LIM  
PRIMARY EXAMINER